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AMENDME	ENT TRANSMITTAL L	DOCKET NUMBER: P-UW 3570				
SERIAL NO: 09/323,738	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	EXAMINER: G. Ewoldt		GROUP ART UNIT: 1644		
INVENTION:	COMPOSITIONS AND	METHODS FO	R TREAT	ING DIABETES		

TO COMMISSIONER FOR PATENTS



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C., 20231 on February 19, 2002.

By:
David A. Gay, Reg No. 39,200

February 19, 2002
Date of Signature

Transmitted herewith is a Response to Office Action mailed September 19, 2001, in the above-identified application.

- X Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.
- Y Petition for Extension of Time is enclosed (in duplicate).
- X No additional claims fee is required.
- \_\_\_ An additional claims fee is required and has been calculated as shown below:

CLAIMS AS AMENDED

	NUMBER AFTER		HIGHEST NUMBER		NUMBER OF EXTRA CLAIMS PRESENTED		RATE		FEE		
	AMEND- MENT		PREVIOUSLY PAID FOR				SMALL ENTITY	OTHER ENTITY		SMALL ENTITY	OTHER ENTITY
TOTAL CLAIMS	40	-	40	-	0	x	\$9	\$18	=	\$0	ş
INDEPEN- DENT CLAIMS	4	-	4	-	0	х	\$42	\$84	=	\$0	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM  YES		YES		X_NO		\$140	\$280		\$0	\$	
							TOTAL ADDITIO	NAL FEE		\$0	\$

- If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.
- \*\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.
- \*\*\* If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 0, write "0" in the space.
- Please charge my Deposit Account No. 03-0370 the amount of S.\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- X A check in the amount of \$200.00 is enclosed, which covers the fee for a two-month extension of time.

Inventors:

Osborne and Ramesh

Serial No.: Filed:

09/323,738 June 1, 1999

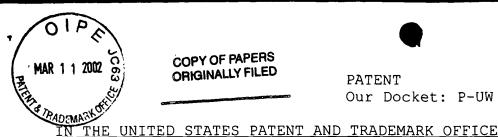
Page 2

- X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.
  - Any additional filing fees required under 37 C.F.R. 1.16.
  - X Any patent application processing fees under 37 C.F.R. 1.17.
- X The Commissioner is hereby authorized to charge to Deposit Account No. 03-0370 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

February 19, 2002 Date

David A. Gay
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## COPY OF PAPERS ORIGINALLY FILED

PATENT

Our Docket: P-UW 37PCHC

In re Application of Osborne and Ramesh

Serial No: 09/323,738

Filed: June 1, 1999

For: COMPOSITIONS AND METHODS )

FOR TREATING DIABETES

Commissioner for Patents Washington, D.C. 20231

Group Art Unit: 1644

Examiner: G. Ewoldt

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February 19, 2002 Date of Signature

## RESPONSE TO OFFICE ACTION

Responsive to the Office Action mailed September 19, 2001, entry of the following remarks is respectfully requested.

#### REMARKS

Claims 1-40 are pending and claims 17-39 are currently under examination in the above identified application.

Claims 17-39 stand rejected under 35 U.S.C. § 112, first paragraph, allegedly because the scope of the claims is not commensurate with the enablement provided in the specification. The Office Action alleges that the claims encompass a non-working embodiment because they include the use of transfected  $\beta$  islet cells which contain antigens that would target the cells for destruction in a diabetic individual.